A CASWE OF COMPROMISED JUSTICE HW 1/23/77

THE CASE OF THEE COMPROMISED JUSTICE

The Washington Post (Bob Woodward), Abe Fortas, Lou Wolfson and the unattrivuted tape.

Ordinarily there is a story in a Justice, in a former Justice and more in a force-out Justice. Pllitical considerations can make such a story more or less attractive, can make a story for some ownership/management and make a non-story for others.

By ordinary measures it can be said that ~~T~~ today's Post story is the kind of story the Post made of it and worth the page-one play given it. Disagreement can range from whether in this form there is a story at all to the amount of attention to it.

This is a political story. It is not merely reporting of political events of the past.

These notes are made after one reading. No effort to organize them or think the whole thing trhough. The come from immediate impressions.

There is too much missing from this story, some of it requiring so few words the reading of deliberate intent to be unfair appears to be justified.

It has all the marks of whip of vengeance.

Timing: first Sunday edition after the end of the GOP administration, the one that did force Fortas out, the one at the end headed by the man who either attempted to blackmail Wolfson over this to get Douglas or tolerated this effort by one who thereafter remained his friend and associate, Becker. Further timing: same week a leak to Jack Anderson on the same Becker's alleged intercession with the same Ford for another troubled Democrat, Md.'s Gov. M. Mandel. (Whether or not related same timing for denying Md.'s only liberal GOP his seniority-warranted top Judiciary committee spot. Mac Mathias.)

Possible sources: government, Wolfson or one now or formerly associated with him or a thief.

Hurt to Wolfson: little or none.

Real victim: Fortas.

Who of those with the capability would have wanted to hurt him when he is in his 70s?

Why requires knowledge but can be limited by analysis.

The tape was made by Wolfson a month after he left jail, or after the end of those problems that resulted in his jailing. Not before the end of his problems. Perhaps his main one is clearing his name and next getting revenge.

There thus would seem to be no reason for the government to have this tape, outside of Watergating activities. Its files should terminate with the prosecution.

Whether or not Woodward deliberately selected out what he did not want it the grossest unfairness of many is where Wolfson had said "I can't go to jail now." Explaining required few words. He was in love with his wife who was in terminal illness. He was in jail and not with her when, as was certain, she died in a very short while. Similarly there is no reference to the local angle, that Wolfson had been a Washington power, had lived there when he ~~xxxxxx~~ owned and operated the transportation system. (Like a robber baron. He milked it.) However, the Nixonian vindictiveness, a fit subject for reporting and comment, is hidden in even this story. This is so unfair, so unusual even for a right-wing reporter, it does suggest the paying off of a debt. What is surprising, however, is that it was not added in the editing of the story or in what I think can be presumed, the review by counsel. All the top Post people, including Katie Graham, have to have had ~~xxx~~ personal knowledge. This aspect makes it fair to describe the piece as a Post axing also.

Perhaps bearing on this, perhaps not the story goes out of its way to be kind to John Mitchell, saying he had all the records safely in his office safe and not the kind who would ever use them. This is irrelevant in the days of xeroxes. If true of Deep Throaters.

In this I mean to convey that the Post is deeper this story that from Woodward just happening to bring it in. If as I am ceratain it should have consulted counsel, then the Williams firm also is deep into it because all the senior people there have to be aware of its unfairness and the deliberateness of it.

For political affinities this is unusual. The only visible exception is Woodward. From whom only recently the liberal Bernstein has separated,as he has from the Post.

If Wolfson is responsible, directly or indirectly - and means of indirection are very apparent - he could be bitter with Fortas over some means in which he fails to obtain the vindication he seeks.

In that period Wolfson had a close and trusted hencho who administered his Jacksonville office, Arvin Rothschild. He let Arvin go rather abruptly almost two years ago. Arvon could have had the tape, the transcript or both. So could anyone he or Wolfson let have copies. The me who transcribed could have kept a copy. So to anyone consulted by counsel if a copy had been given to counsel. This could include the Past of ~~mm~~ men - pun.

This story start s with a leak. It is not the kind that Woodward would have devoted himself to because there is no beginning for that kind of endeavor. I think the leak was to him rather than to the Post because assigning a political partisan to a story of this kid is pretty raw and the Post has many qualified reporters. This is ~~a~~ story that required no investigation. It reports only two calls, one to Fortas and one to Wolfson. (If the quote is fair Wolfson's comment can be taken in different ways. It is "The facts speak for themselves." However taken defense of an old and ruined friend is not here. Why Wolfson would have taped this conversation a month after he left jail also is worth considering. If it indicates that he was getting ready for something about Fortas for the future this is not consistent with his having much ~~less~~ more interest in what had happened to Fortas than in what had been attempted against Douglas When I met him summer before last.)

Interesting that this story appears immediately after Gerald Ford is not President when Ford was personally involved in both the Fortas and the Douglas cases.